

DEMETRIUS A. WRIGHT
BCK 308
5325 BRODER BLVD.
DUBLIN, CA - 94568

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SUSAN T. BISHOP
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

In Prose

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Demetrius A. Wright,
Plaintiff,

CASE No.

v.

COMPLAINT UNDER THE

CIVIL RIGHTS ACT

42 U.S.C. § 1983

JURY TRIAL DEMANDED

Alameda County Sheriff's
Office; G. Ahern, Sheriff;
Alameda County Superior
Court, Unknown Staff
Members; Judicial Officer;
Alameda County,
Defendants.

II. JURISDICTION

1. This action is brought pursuant to 42 U.S.C.A. § 1983; 28 U.S.C.A. §§ 1331, 1343, 1391; Fed. R. Civ. P. 8, and statutory and Constitutional provisions.

This Court has pendent jurisdiction over any state-law claims which arise from this action pursuant to 28 U.S.C.A. § 1367.

II. PARTIES

2. Plaintiff Demetrius A. Wright is a citizen of the United States, at all times relevant herein he was in the custody of the Alameda County Sheriff's Office.

3. Defendant Alameda County is a governmental entity in the State of California and is responsible for ordinances, policies, and customs of its servants, agents, appointees, employees, and agencies. Defendant Alameda County Sheriff's Office is an agency or department of defendant, by statute and law. Defendant is sued officially and individually.

4. Defendant G. Ahern was at all times relevant to this action, sheriff of Alameda County, responsible for the safe custody and transportation to all court hearings of those in his custody, among other duties. He is sued in his individual and official capacities.

5. Defendants Alameda County Superior Court Judicial Officer and Unknown Staff Members is an agency or department of the State of California, responsible for, among other duties, arraignments and appointment of counsel to indigent defendants for purposes of representation in criminal proceedings. These defendants are sued individually and officially.

III. STATEMENT OF ALLEGATIONS WITH FACTS IN SUPPORT THEREOF

6. Plaintiff Demetrius A. Wright was taken into custody by the Oakland Police Department pursuant to a "probable cause warrant," on October 20th, 2018. Later on that same date, he was transferred to the custody of defendant Alameda County Sheriff's Office where he was held without an arraignment ^{or appointment of counsel} for approximately fifty-eight (58) days. Such a detention without judicial review is a violation of state and federal law. This lawsuit seeks to have defendants' delay in bringing plaintiff before the court ^{and failure to appoint counsel} declared unconstitutional and enjoined. This lawsuit also seeks compensatory damages for plaintiff, a victim of this unconstitutional practice.

7. This is action seeking to recover damages from defendants and each of them for unlawfully detaining plaintiff without allowing him to appear before the court for judicial review of his custody and have appointment of counsel.

8. This is also an equitable action for declaratory relief under 28 U.S.C.A. §§ 2201 and 2202, and Fed. R. Civ. P. 57 and 58, for the purpose of declaring unconstitutional defendants' arbitrary and capricious policy and practice of extending detention with arraignment and appointment of counsel well beyond statutory

deadlines.

9. This is also an equitable action for preliminary and permanent injunctive relief under Fed. R. Civ. P. 65, enjoining defendants, and each of them, their agents, employees and successors in office from detaining persons subject to warrants for extended periods of time without judicial review.

10. At all times pertinent to the facts recited, defendant G. Ahern was the duly elected Sheriff of Alameda County, State of California. The Alameda County Sheriff Office is responsible for the "care, custody, and control," including transportation of in-custody defendants.

11. Defendant Alameda County Superior Court Judicial Officer was at all times material, a Judge of said court, acting both in an individual and official capacity. It is believed that this person may have directed the unconstitutional and unreasonable detention of plaintiff without judicial review. This defendant is being sued for declaratory and injunctive relief and attorney fees.

12. Defendants Unknown Staff Members were at all times material, employees or appointees to the Alameda County Superior Court and Alameda County Sheriff Office, acting in both their individual and official capacities. It is believed that

these defendants' carried out the unconstitutional and unreasonable detention of plaintiff without judicial review.

13. At all times relevant herein, defendants were acting under color of state law and pursuant to written policies and/or underground practices of the Alameda County Superior Court and the Alameda County Sheriff Office.

14. On October 20th, 2018, plaintiff was admitted into a local hospital while remaining in the custody of Alameda County Sheriff deputies. This was the date of his arrest. Although state law allows for an audio-visual arraignment, defendant Judicial Officer refused to do so, which, by extension, was also a denial of counsel to an indigent defendant. An audio-visual arraignment would have been a reasonable response to defendant G. Ahern's refusal to transport plaintiff.

15. Plaintiff's wife had to take out a loan for tens of thousands of dollars to retain private counsel, Mr. Todd Bequette, after which, though still hospitalized, was transported to court on December 16th, 2018. It is believed that if plaintiff was not able to retain counsel by way of his also indigent wife taking a loan, his rights would have continued being violated indefinitely. The fact that his appearance could be accommodated while still hospitalized only after retaining counsel on its

face is unconstitutional, under no argument can the defendants justify their acts of not making earlier accommodation. It appears as though the plaintiff and his family had to pay for access to the court in criminal proceeding. Plaintiff loss invaluable investigative time, evidence.

16. The extended detention of plaintiff without appearance in court, according to the unwritten policies of defendants, was an unnecessary and unreasonable seizure, denial of access to and appointment of counsel and cruel and unusual punishment, in violation of the Fourth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983 and state common law. Defendants knew or should have known that their conduct violated plaintiff's rights.

17. As a direct and proximate result of the unlawful detention of plaintiff without appearance before the court, plaintiff suffered extreme physical discomfort, exacerbation of his underlying physical illness, humiliation, emotional distress, and a deprivation of his liberty interest, which also led to financial distress for plaintiff and his wife. Plaintiff was ultimately hospitalized for fifteen consecutive months. His case presentation has suffered time issues.

18. By detaining plaintiff for an unreasonably long time and compelling an indigent family to sink further into debt

where the plaintiff has been declared permanently disabled since January of 2014 and his wife making only a few dollars above minimum wage living in Oakland, California, before a court created an unconstitutional and an unreasonable situation. Defendants and each of them have knowingly violated the constitutional and civil rights of the plaintiff and have proximately caused plaintiff to suffer and be damaged in the minimum amount of tens of thousands dollars.

IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

A. Declare that the acts and omissions described herein violated Plaintiff's rights under the Constitution and laws of the United States and the State of California;

B. Order the Defendants to pay compensatory and punitive damages;

C. Order Defendants to pay reasonable attorney fees and costs; and

D. Grant other just and equitable relief that this Honorable Court deems necessary.

RESPECTFULLY SUBMITTED,

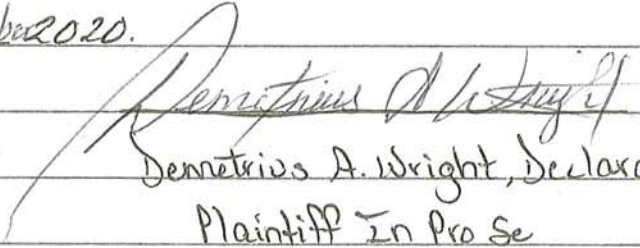
Demetrius A. Wright

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Dublin, CA 94568

DATED: September 2, 2020

VERIFICATION

Pursuant to 28 U.S.C. 81746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 2nd day of September 2020.


Demetrius A. Wright, Declarant,
Plaintiff In Pro Se